



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent

Inventor(s): Nelson  
Patent No.: 7,013,279  
Issued: March 14, 2006  
Appln. No.: 09/658,243  
Filed: 09/08/2000  
Conf. No.: 3028  
Title: PERSONAL COMPUTER AND SCANNER FOR  
GENERATING CONVERSATION UTTERANCES  
TO A REMOTE LISTENER IN RESPONSE TO A  
QUIET SELECTION

PATENT

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**, on May 15, 2006.

Michelle McAnern Calavita

Michelle McAnern Calavita  
Signature Date: May 15, 2006

**APPLICATION FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. 1.705(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

05/19/2006 HDEMESS2 00000010 09658243

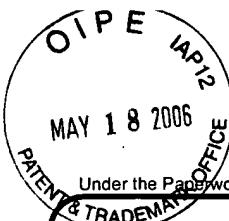
01 FC:1455

200.00 0P

Sir:

Applicant hereby requests reconsideration/reinstatement of the Patent Term Adjustment (PTA) indicated in the Determination of Patent Term Adjustment under 35 U.S.C. §154 (b) indicated on U.S. Patent No. 7,013,279, which was issued on March 14, 2006.

A review of the PTA details for this patent available via the USPTO's Patent Application Information Retrieval (PAIR) system indicates an apparent error in the Determination of Patent Term



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)
 **200.00**
**Complete if Known**

Application Number	09/658,243
Filing Date	9/8/2000
First Named Inventor	Nelson
Examiner Name	S. McFadden
Art Unit	2655
Attorney Docket No.	FXPL-01025US0

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 06-1325 Deposit Account Name: Fliesler Meyer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES** - including claim fees from application and

Fee Description preliminary amendment

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
- 20 or HP =	x	=		50	25	
HP = highest number of total claims paid for, if greater than 20.				200	100	
Indep. Claims	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	360	180	

$$\text{Total Claims} - 20 \text{ or HP} = \text{Extra Claims} \times \text{Fee ($)} = \text{Fee Paid ($)}$$

HP = highest number of total claims paid for, if greater than 20.

$$\text{Indep. Claims} - 3 \text{ or HP} = \text{Extra Claims} \times \text{Fee ($)} = \text{Fee Paid ($)}$$

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-----------------	----------------------

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		=

$$\text{Total Sheets} - 100 = \text{Extra Sheets} / 50 = \text{Number of each additional 50 or fraction thereof} \times \text{Fee ($)} = \text{Fee Paid ($)}$$

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Patent Term Adjustment - 37 CFR 1.18(e)

<u>200.00</u>
---------------

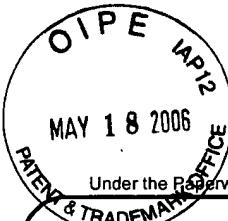
**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 25,656	Telephone 415.362.3800
Name (Print/Type)	Martin C. Fliesler		Date May 15, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: FXPL-01025US0  
mcf/fxpl/1025us0/1025us0 - pta request - FEE.pdf



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAL  
JW

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

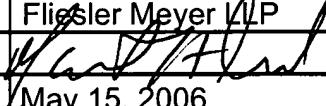
Total Number of Pages in This Submission

Application Number	09/658,243
Filing Date	9/8/2000
First Named Inventor	Nelson
Art Unit	2655
Examiner Name	S. McFadden
Attorney Docket Number	FXPL-01025US0

### ENCLOSURES (Check all that apply)

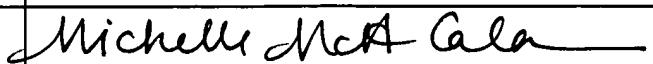
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address and Statement Under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Application for Patent Term Adjustment; return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	<b>Remarks</b>	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Martin C. Fliesler Fliesler Meyer LLP	Customer Number: 23910
Signature		
Date	Reg. No.: 25,656	
May 15, 2006		

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michelle McAnern Calavita		
Signature		Date	May 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: FXPL-01025US0  
mcf/fxpl/1025us0/1025us0.PTA request - TL.pdf

Adjustment for this patent. Applicant respectfully requests that the USPTO review this determination for accuracy.

This request is being submitted within 2 months of the issue date of this patent.

In accordance with §1.705(d), applicant submits the following in connection with its request for reconsideration/reinstatement of Patent Term Adjustment.

Payment of the \$200.00 fee for filing an application for patent term adjustment under §1.705, pursuant to § 1.18(e), is enclosed.

A statement of the facts involving this request is provided as follows:

In its Determination of Patent Term Adjustment mailed September 12, 2005, the USPTO set the patent term adjustment for this patent at 1,028 days. In the Issue Notification mailed February 22, 2006 and in the Patent granted on March 14, 2006, the USPTO reset the patent term adjustment for this patent at 928 days. Applicant believes that the correct patent term adjustment for this patent is **997** days.

The basis for the adjustment is 37 C.F.R. § 1.704(c)(10), specifically, a delay on the part of the applicant for submitting an amendment under § 1.312 or other paper after the notice of allowance was mailed, which resulted in a 31 day applicant delay.

The relevant dates for which an adjustment is sought and to which the patent is entitled are as follows:

Applicant delay: A Notice of Allowance was mailed by the USPTO on September 12, 2005. In reply to the Notice of Allowance, Applicant submitted the issue fee payment, replacement drawings and an amendment under rule 1.312 which were received by the USPTO/OIPE on December 5, 2005. With regard to the replacement drawings, a review of the PTA details for this patent available via the USPTO's Patent Application Information Retrieval (PAIR) system contains an entry dated December 5, 2005 which indicates "Workflow-Drawings Finished", which suggests to applicant that the USPTO assessed no delay on the part of applicant for submitting replacement drawings after the mailing date of the Notice of Allowance. With regard to the 1.312 amendment, the USPTO responded to applicant's amendment under § 1.312 in a communication mailed

January 4, 2006 (see copy attached), 31 days after the receipt date. A review of the PTA details for this patent available via the PAIR system indicates that following the USPTO's January 4, 2006 response, the USPTO improperly assessed 100 days of delay on the part of the applicant, rather than 31 days of delay.

Based on the above, applicant respectfully submits that following the USPTO's January 4, 2006 response to applicant's amendment under § 1.312, the 100 day delay attributed to the applicant is improper and should be adjusted to 31, and that the correct patent term adjustment for this patent is 1,028 days minus 31 days, i.e. 997 days.

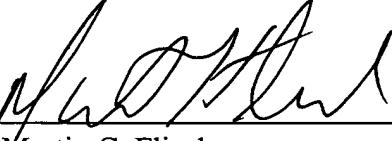
The above-referenced application/patent is not subject to a terminal disclaimer.

Based on the foregoing, Applicant respectfully requests that the USPTO reconsider its Determination.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment associated with this communication to Deposit Account No. 06-1325.

Respectfully submitted,

By: \_\_\_\_\_

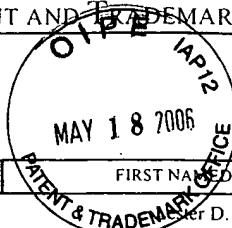
  
Martin C. Fliesler  
Reg. No. 25,656

Date: May 15, 2006

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800



UNITED STATES PATENT AND TRADEMARK OFFICE

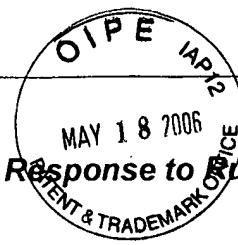


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,243✓	09/08/2000✓	Ter D. Nelson ✓	EXPL-01025US0 MCF/KJD	3028✓
23910	7590	01/04/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			MCFADDEN, SUSAN IRIS✓	
ART UNIT		PAPER NUMBER		2655✓

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Response to Rule 312 Communication**

Application No.	Applicant(s)	
09/658,243	NELSON, LESTER D.	
Examiner	Art Unit	
Susan McFadden	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 12-5-05 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.



Susan McFadden  
Primary Examiner  
Art Unit: 2655